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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,881	07/18/2003	Sunil G. Warrior	02-510	2745
34704 7590 04/03/2008 BACHMAN & LAPOINTE, P.C. 900 CHAPEL STREET SUITE 1201 NEW HAVEN, CT 06510				
EXAMINER				
HODGE, ROBERT W				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
04/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/622,881

**Applicant(s)**

WARRIER ET AL.

**Examiner**

ROBERT HODGE

**Art Unit**

1795

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-21 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 9-12 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments with respect to claims 1-3, 6, 7, 9-12 and 24-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 6, 7, 9-12 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pre-Grant Publication No. 2003/0215689 hereinafter Keegan in view of U.S. Patent No. 6,139,810 hereinafter Gottzmann.

Keegan teaches a seal assembly for a solid oxide fuel cell stack (abstract), comprising at least two fuel cells each comprising an electrolyte 40 having a cathode layer 50, an anode layer 30, a bipolar plate 24 (see figure 1 and paragraph [0022]), and a seal 80 that is formed into a continuous closed loop structure that forms a substantially gas impermeable seal between opposed surfaces (see figures 3-5 and paragraph [0037]). Keegan further teaches that the seal is provided in a groove 82 which as defined by applicants is a compression stop (see figures 3-5) and that the seal comprises a stable oxide ceramic or other materials such as zirconia, alumina, and can

be enhanced with materials such as nickel, silver, copper, iron and aluminum by doping (i.e. impregnating) (paragraphs [0037]-[0042]).

Keegan does not teach that the seal is a continuous fiber seal or the use of a frame.

Gottzmann teaches a solid oxide tube and shell reactor, wherein the solid oxide tubes are sealed with a continuous fiber tow wrapped into a closed loop structure (i.e. twisted rope seal) forming a substantially gas impermeable seal between the two components, wherein at least two fibers are in a substantially concentric relationship with each other, also comprising a compression stop extending from one of the reactor components to another reactor component that is frame like in shape as well as a groove to hold the seal member, with dimensions similar to those found in claim 12 and that said seal can be compressed (figures 1-4, and column 7, line 8 – column 10, line 35).

Keegan and Gottzmann are analogous because they are from the same problem solving area of sealing high temperature reaction areas to prevent leakage of reactant gases.

At the time of the invention it would have been obvious to a person having ordinary skill in the art to include the teaching of the fiber sealing structure and frame member associated therewith in Keegan as taught by Gottzmann in order to provide a seal that is reinforced with a continuous fiber in the fuel cell stack and prevent any of the reactant gases from leaking out of the stack thus preventing any explosion hazards.

***Allowable Subject Matter***

Claim 5 is allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reasons for indicating allowable subject matter can be found in the final office action dated 10/19/05.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HODGE whose telephone number is (571)272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./

Examiner, Art Unit 1795

/Jonathan Crepeau/

Primary Examiner, Art Unit 1795